

### **Remarks**

Claims 1-5 and 7-28 were pending in this application. Claims 1, 11, 19, and 28 have been amended, claim 6 has been reinstated, new claim 29 has been added, and no claims have been canceled. Reconsideration of this application is respectfully requested in light of the above amendments and the following remarks.

### **Allowable Subject Matter**

Applicants appreciate the Examiner's indication that claims 20-27 are allowable.

### **Drawings**

The Examiner has objected to Applicants' replacement drawing sheet attached to the Amendment filed June 26, 2003 as not being identified as such. Applicants respectfully submit that the replacement sheet was properly identified, and attempted to contact the Examiner on several occasions to obtain clarification on this objection. Since the Examiner could not be contacted to provide such clarification, Applicants have included another copy of the replacement drawing sheet in order to overcome this objection.

### **Claim Objections**

The Examiner has objected to claim 8 of being of improper dependent form due its dependency on canceled claim 6. Applicants appreciate the Examiner's careful review of the application, and submit that claim 8 is now in proper form due to the reinstatement of claim 6. Accordingly, reconsideration and withdrawal of this objection is respectfully requested.

### **Rejection of Claims 1-2, 4-5, 10-11, 13-15, 19 and 28 Under 35 U.S.C. § 102(b) Over Lind**

Claims 1-2, 4-5, 10-11, 13-15, 19, and 28 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,824,933 issued to Lind ("Lind"). Claims 1, 11, 19, and 28 have been amended herein in order to more particularly point out and distinctly claim the subject matter of the invention.

Specifically, claim 1 has been amended to recite “each mating area including alternating, generally complementary projections and recesses,” support for which can be found, for example, at p. 9, lines 18-29 of the specification and in FIGS. 1, 4-5, and 13-14. This feature is clearly not disclosed or suggested by Lind, as Lind’s projections 36 and openings 32 are entirely different from one another in shape, and are not mutually completing, complementary parts as in Applicants’ claimed invention. Therefore, claim 1 is believed to be patentably distinguishable over Lind, and reconsideration and withdrawal of the rejection of this claim and its corresponding dependent claims is respectfully requested.

Claim 11 has been amended to clarify that “the projections of the lower deck are arranged to be securely received by the recesses of the upper deck and the projections of the upper deck are arranged to be securely received by the recesses of the lower deck, resulting in a non-planar parting line between the upper and lower decks on external surfaces of the mating areas” (*see*, for example, FIGS. 1 and 4-5). This feature of Applicants’ invention is neither disclosed nor suggested by Lind. In contrast, Lind’s parting line (the line joining locking lugs 16 of pallet halves 12 and 14) along the external surfaces of the locking lugs 16 is clearly planar (*see* Lind, FIGS. 1 and 3). Accordingly, claim 11 is believed to be patentably distinguishable over Lind, and Applicants respectfully request reconsideration and withdrawal of the rejection of this claim and its corresponding dependent claims under 35 U.S.C. § 102(b).

Claim 19 has been amended to recite that “the projections and recesses of each deck include angled faces on opposed sides thereof which engage to restrain transverse movement of the assembled decks,” support for which can be found, for example, at p. 8, line 24 - p. 9, line 4 of the specification and in FIGS. 13-14. The Examiner asserts that back wall 38 of projection 36 is angled (Office Action, p. 3), but Lind’s projections clearly do not include angled faces on opposed sides thereof, nor do Lind’s openings 32 include this feature. Therefore, claim 19 is believed to be patentably distinguishable over Lind, and Applicants respectfully request reconsideration and withdrawal of the rejection of claim 19 and its corresponding dependent claims.

Lastly, claim 28 has been amended to recite that “the projections of the upper deck are arranged to be received by the recesses of the lower deck and the projections of the lower deck are arranged to be received by the recesses of the upper deck such that the projections and recesses remain visible along the periphery of the deck” (*see*, for example, FIGS. 1 and 4-5). In contrast, Lind discloses a single projection 36 and opening 32 centrally disposed within a bottom wall 30 of each locking lug 16, wherein projection 36 and opening 32 do not remain visible along the periphery of the deck when assembled (*see* Lind, col., 2, lines 55-62; FIGS. 1, 3-4 and 7). Accordingly, claim 28 is believed to be patentably distinguishable over Lind, and reconsideration and withdrawal of this rejection is also respectfully requested.

**Rejection of Claims 1, 3, 7, 9, 11-12, and 16-18  
Under 35 U.S.C. § 103(a) Over Apps and Lind**

Claims 1, 3, 7, 9, 11-12, and 16-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,006,677 issued to Apps et al. (“Apps”) in view of Lind. As discussed above, amended claims 1 and 11 are believed to be patentably distinguishable over Lind. Applicants assert that these claims are also patentably distinguishable over the combination of Apps and Lind, as Apps also fails to disclose “generally complementary projections and recesses” as recited in claim 1 and “a non-planar parting line between the upper and lower decks on external surfaces of the mating areas” as recited in claim 11. Instead, Apps discloses projections and recesses which are different from each other in shape (*see* Apps, FIG. 17), and a planar parting line on the external surfaces of the mating areas (*see* Apps, FIG. 1). Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1 and 11, along with their corresponding dependent claims, under 35 U.S.C. § 103(a).

**New claim**

New claim 29 has been added to further define the subject matter of the invention. Claim 29 recites a pallet having mating areas including alternating projections and recesses, wherein the projections of the first deck are arranged to be received by the recesses of the second deck and engaged by the recesses on each side thereof, and the projections of the

second deck are arranged to be received by the recesses of the first deck and engaged by the recesses on each side thereof. For the reasons described above, especially with reference to claim 1, new claim 29 is believed to be patentably distinguishable over the cited art.

### **Conclusion**

In summary, Applicants believe that the claims meet all formal and substantive requirements and that the case is in appropriate condition for allowance. Accordingly, such action is respectfully requested. If a telephone conference would expedite allowance of the case or resolve any further questions, such a call is invited at the Examiner's convenience.

Respectfully submitted,

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Attachment: Replacement Drawing Sheet (copy)